Remarks

1. Summary of the Office Action

In the Office Action mailed December 14, 2004, the Examiner rejected claims 1-6 as under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Pub. No. 2002/0173308 (Dorenbosch), the Examiner rejected claims 8-17 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Pub. No. 2002/0058522 (Maggenti), and the Examiner rejected claim 7 under 35 U.S.C. § 103(a) as being obvious over a combination of Dorenbosch and Maggenti.

2. The Claimed Invention

As noted above, Applicant has cancelled claims 7-17 and amended claim 1. Now pending are claims 1-6, of which claim 1 is independent and claims 2-6 are dependent.

3. Response to Rejections

a. Response to § 102 Rejection of Claims 1-6 over Dorenbosch

As noted above, the Examiner rejected claims 1-6 as being anticipated by Dorenbosch. Applicant respectfully traverses this rejection with respect to the claims as set forth above, because Dorenbosch fails to teach (expressly or inherently) all of the elements of any of these claims as would be required to support an anticipation rejection under M.P.E.P. § 2131.

Independent claim 1 is directed to a method carried out in a communication system in which a first station initiates communication with at least a second communication and provides an initial real-time media signal for transmission to the second station, where the initial real-time media signal is an initial real-time media stream of a packet-based real-time media session between the first station and the second station. As recited, the method involves (i) buffering the initial real-time media signal until a transmission path exists to send the initial real-time media

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signal along its way toward the second station, and (ii) thereafter sending the initial real-time media signal along its way toward the second station.

First, Dorenbosch fails to teach buffering an initial real-time media signal as claimed. At best, Dorenbosch teaches buffering an instant message. Yet an instant message does not constitute an "initial real-time media signal" as claimed. In particular, an instant message does not constitute an initial media stream of a packet-based real-time media session between the first and second station as claimed. Rather, an instant message is a discrete message that does not constitute a real-time media stream of a packet-based real-time media session.

Second, Dorenbosch fails to teach buffering an initial real-time media signal until a transmission path exists to send the initial real-time media signal along its way toward the second station as claimed, and Dorenbosch may in fact teach away from the claimed invention. In this regard, Dorenbosch discloses two embodiments, neither of which teach this claimed invention.

In Dorenbosch's first embodiment, an instant message (IM) proxy receives a message destined to a mobile subscriber, and the IM proxy transmits the message toward the mobile station a predetermined number of times (or predetermined duration) before dropping the message from its buffer on grounds that the mobile station has not responded. With this first embodiment, Dorenbosch's IM proxy *transmits* the message along its way to the mobile station, *regardless of whether a transmission path exists for the message to get to the mobile station.* (The transmission might fail, but that does not change the fact that the IM proxy transmits the message along its way to the mobile station.) This is in stark contrast to the invention of claim 1, which recites that a real-time media signal will be buffered *until* a transmission path exists along which to transmit the signal to the second station. Indeed, Dorenbosch's teaching of transmitting

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to the mobile station *before* a path truly exists to get the message to the mobile station teaches away from the invention of claim 1.

In Dorenbosch's second embodiment, an IM proxy receives instant messages destined to a given station and bundles the messages together so that they can be sent with less overhead to the given station. More particularly, the IM proxy buffers discrete (separate) instant messages until a predetermined bundling parameter is met, such as receiving another message from a sender of a message that is currently buffered. The IM proxy then sends a bundle of the discrete messages along to the destination station. Buffering these multiple discrete messages does not amount to buffering an *initial real-time media signal* as recited in claim 1. Dorenbosch does not teach that any of the instant messages comprise an initial real-time media stream of a packet-based real-time media session as presently claimed.

For at least these reasons, Applicant submits that Dorenbosch fails to anticipate the invention as recited in claim 1. Further, since claims 2-6 depend from claim 1 and incorporate the limitations of claim 1, Applicant submits that Dorenbosch also fails to anticipate the invention of claims 2-6. Accordingly, Applicant submits that claims 1-6 are in condition for allowance.

With all due respect, Applicant submits that the Examiner's assertions regarding other elements of the dependent claims 2-6 are moot, since the claims patentably distinguish over Dorenbosch for at least the above reasons.

b. Response to § 102 Rejection of Claims 8-17 over Maggenti

The Examiner next rejected claims 8-17 as being anticipated by Maggenti. Applicant has cancelled claims 8-17. Therefore, Applicant traverses this rejection as moot.

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c. Response to § 103 Rejection of Claim 7

The Examiner next rejected claim 7 as being obvious over Dorenbosch in view of Maggenti. Applicant has cancelled claim 7. Therefore, Applicant traverses this rejection as moot.

4. Conclusion

For the foregoing reasons, Applicant submits that claims 1-6 are in condition for allowance. Consequently, Applicant requests favorable reconsideration.

Respectfully submitted,

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